

# **Exhibit D**

**August 26, 2022, Email and Letter to Representative  
Faison’s Office**

## Exhibit D – August 26, 2022, Email and Letter to Representative Faison's Office

**From:** Hunt, Samantha A samantha.a.hunt@Vanderbilt.Edu   
**Subject:** 8.26.22 Letter from Mr. Dean Fox to Representative Faison  
**Date:** August 26, 2022 at 3:28 PM  
**To:** rep.jeremy.faison@capitol.tn.gov  
**Cc:** meri.kaftan@capitol.tn.gov, Galateria, Catherine M catherine.m.galateria@Vanderbilt.Edu, Safstrom, Jennifer jennifer.safstrom@Vanderbilt.Edu

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Dear Representative Faison and staff,

We are writing to you from the Vanderbilt University Legal Clinic on behalf of our client, Mr. Dean Fox.

Enclosed is a letter with our final request for you to unblock Mr. Fox from the "State Representative Jeremy Faison" Facebook page.

Please let us know if you would like to discuss this further. We hope to resolve this matter as quickly as possible.

Best Regards,

Catherine Galateria, Student Attorney  
Samantha Hunt, Student Attorney

Jennifer Safstrom, Director of the Stanton First Amendment Clinic

**Samantha Hunt**  
she/hers  
J.D. Candidate, Class of 2023  
Vanderbilt University Law School



8.26.22 Fox  
Letter\_Final.pdf

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Legal Clinic



VANDERBILT  
Law School

August 26, 2022

The Honorable Jeremy Faison  
425 Rep. John Lewis Way N.  
Suite 604 Cordell Hull Bldg.  
Nashville, TN 37243  
rep.jeremy.faison@capitol.tn.gov

Dear Representative Faison:

We are law students working in Vanderbilt Law School’s First Amendment Clinic, writing on behalf of our client, Dean Fox. This letter is a follow-up correspondence regarding two prior communications from our office: a letter sent on October 15, 2021 and an email communication sent on February 9, 2022. Both of our correspondences went unanswered by your office.

The matter concerns the blocking of Mr. Fox from viewing or commenting on the verified Facebook page entitled “State Representative Jeremy Faison.” On or around September 6, 2021, after commenting on the “Happy Labor Day” post on the “State Representative Jeremy Faison” page, Mr. Fox was blocked from interacting on your page. As a government official, blocking Mr. Fox from viewing this public social media page violates his First Amendment right to political expression in a public forum.

The First Amendment’s prohibition on state action “abridging the freedom of speech” has long been held to forbid government conduct that restricts speech in open zones commonly used for public discourse.<sup>1</sup> This prohibition’s reach extends beyond physical spaces, applying equally to speech on social media.<sup>2</sup> By posting about policy issues and inviting public comment on the issues, your Facebook page has become a public forum protected by the letter and spirit of the First Amendment. As a result, you owe a constitutional duty not to discriminate based on dissenting viewpoints.

However, you blocked Mr. Fox from a public forum solely because he expressed an opinion you disagreed with. Thus, Mr. Fox has been denied the opportunity to engage in the free exchange of political ideas that is crucial to a functioning democracy.

This is Mr. Fox’s final request that you unblock him from viewing or engaging with the “State Representative Jeremy Faison” Facebook page and take action to ensure your social media platforms comply with First Amendment requirements.

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<sup>1</sup> U.S. CONST. amend. I.

<sup>2</sup> *Packingham v. North Carolina*, 137 U.S. 1730 (2017).

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We would like to resolve this issue in a timely and efficient manner. To that end, we respectfully ask you to honor Mr. Fox’s requests to avoid the potential of litigation. We look forward to communicating with you further on this matter and hope you will be able to provide respond by September 2, 2022.

Sincerely,

Catherine Galateria, Student Attorney

Samantha Hunt, Student Attorney

Jennifer Safstrom, Visiting Assistant Clinical Professor

[jennifer.safstrom@vanderbilt.edu](mailto:jennifer.safstrom@vanderbilt.edu)

Stanton First Amendment Clinic

Vanderbilt University Law School